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A Second Relation from
HERTFORD;

CONTAINING

The unjust Proceedings of some called

Justices there at the General Quarter Sessions, upon the Tryal of one and twenty innocent Persons called **QUAKERS**, for a pretended breach of the late Act, with an account of the most Material Passages between the Prisoners and the Court, the 3d, 4th, and 5th. dayes of the 8th. Moneth, 1664.

Whereby it appears, that Meeting to

Worship God in Spirit and truth is the great crime for which they are under so grievous a sentence: and that whatever is pretended by those that love the title of Justice, yet in very deed they hate Justice, it self, as by their proceedings appears.

By **W. S.**

Woe to them that devise iniquity, and work evil upon their beds, when the morning is light they practise it, because it is in the power of their hands, Micha 2. 1.

Judgement is turned away backward, and Justice standeth afar off, for truth is fallen in the street, and equity cannot enter, Isa, 59. 14.

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THe Court set in the usual place, *Henry Chancy* being Judge, together with these who are stiled as followeth, *Thomas Vicount Fanshawe*, with his Son *Thomas Fanshawe*, Knight of the Bath; *Brockes Spencer*, Baronet; *Richard Atkins*, Knight and Baronet, *John Gore*, and *Richard Lucy*, Knights; *Thomas Stanley*, Esquire, and *James Wilmot*, Commissioners for the Peace of the said County, his Assistants, with several others, who did not manifest themselves so far from moderation and tenderness, as most of the persons afore-mentioned. The first day of the Sessions (being the third day of the 8th. Moneth) passed with little concerning the people called Quakers, save that the grand Jury was empanelled of persons, pickt out of many, who were warned to attend that service, care being taken, that such should be left out and laid aside, that were more moderate, and only such made use of as were eminently disaffected to the persons that were to be tryed, and so far engaged by prejudice, as resolved to find the Bills beforehand; which thing was so much the easier, in that their way was ready thereunto, by a precedent made by Judge *Bridgeman* in the like Cases, at the late Assizes, holden for the said County of *Hertford*.

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ON the 4th. day in the Morning, four of the Prisoners called Quakers, were brought to the Bar, viz. *Lewis Laundry*, *Thomas Moss*, *William Burre*, and *Thomas Bur* of *Baldock* in the said County. Their Indictment being read by *Thomas Burger*, Clerk of the Peace there, which was to this effect, * *That the aforesaid persons being assembled at an unlawful Meeting (or Conventicle) at the House of Thomas Baldock, of Baldock aforesaid, under colour and pretence of Religious Exercise, contrary to the Liturgy, or use of the Church of England, with divers other Malefactors, contrary to the form of the late Statute, to the disturbing of the Peace, and endangering the Kings Crown and Dignity.*

Lewis Laundry was called to the Bar.

Cl. *Lewis Laundry*, are you guilty of these offences for which you stand indicted, or not guilty?

L. L. I am an innocent man, and have wronged no man, neither have I transgressed any just Law (that I know of) neither have I done any thing for which I deserve here to stand indicted, or words to that effect.

Hen. Chancy. *This is not an answer sufficient, you must plead guilty, or not guilty?*

L. l. I am not guilty of the Breach of this Law.

Then *Thomas Moss* was called to the Bar.

Cl. Are you guilty of this Indictment, or not guilty?

T. M. That in the Indictment which is true (as my Meeting at *Thomas Baldock's* House) I am guilty of; but as for meeting there with Malefactors to the breach of the Peace, I am not guilty of.

The next called to the Bar was *William Burre*.

Cl. What say you *William Burre*, are you guilty or not guilty?

W. B. As to the substance of the Indictment that I am charged with (as meeting with Malefactors, and disturbers of the Peace) I am not guilty.

The last of the four aforesaid, *Thomas Burre*, was called to the Bar.

Cl. Are you guilty, or not guilty, of this Indictment?

T. B. Not guilty of unlawful Assembling, unless it can be proved to be unlawful to meet in the name of the Lord.

Cl. You must plead guilty, or not guilty?

T. B. Not guilty.

Cl. *How will you be tryed?*

Prisoners. By the Witness of God in our Countreymens Consciences.

Court. *Well, well, that's well enough.*

Then a Jury was called, sworn, and charged in the usual way, form, and manner, well and truly to try betwixt the King and the Prisoners at the Bar, and to make true deliverance, and bring in their verdict according to evidence, &c. Their names are, *John Taylor, Henry Castel, George White, Edmond Ralph, Ralph Thorne, George Ward, John Watty, John Bessex, Francis Ginne, William Joyce, Edmund Noad, Edward Hammond.* Then the Indictment was read again, and the Witnesses called and sworn.

H. Chancy. Stephen Young, *what can you say against the Prisoners at the Bar?*

S. Young. May it please your Worship, I took them at *Thomas Baldock's* house, met together.

H. Chancy. *How many was there?*

S. Young. About sixteen men and women.

H. C. *What did you see them do there?*

S. Y. Nothing, they were sitting still, and did say nothing, nor do nothing as I saw.

H. C. *Was it the place they usually met at?*

S. Y. Yes.

The other Witnesses being called, spake to the same purpose, and no more.

H. C. Lewis Laundry, *What say you for your self?*

L. L. We are no Malefactors, neither are our Meetings unlawful, nor under colour and pretence of Religion, but really to Worship the Lord; neither are we Contrivers of Plots, nor Disturbers of the Peace; nor have we made Insurrections therein, neither are our Meetings contrary to the Liturgy of the Church of England; for that sayes we must worship God in spirit, without any limit to time or place. — Interrupted.

H. C. *What say you Thomas Moss, what did you at Thomas Baldock's? what was the end of your Meeting?*

T. M. It was to wait upon the Lord, to receive refreshment from his presence, which is more to me then all the worship in the

world, where the presence of the Lord is not felt.

Cl. William Burre, *what say you for your self?*

W. B. I have frequented those Meetings these seven years, at *Faldock*, and if there be any that can accuse me of those things charged against me, let them speak.

H. C. *But wherefore did you meet there?*

W. B. Because the Lord God of heaven and earth required me, and my eternal salvation was upon it, if I disobeyed the Lord, and therefore if I suffer, I suffer for obeying the Lord.

Tho. Vic. Fansh. *Where doth the Lord command or require you?*

W. B. In my Heart and Conscience.

Tho. Vic. Fansh. *That is the light within you, but your light is darkness, and a melancholly vapor of the brain, and leads you to one thing to day, and another thing to morrow, and I know not what the third day; so you change every day.*

Tho. Bur. Thou hast not found us so changeable hitherto, neither wilt thou.

W. B. I desire the light may not be villified; (for it is the Grace of God that brings salvation) and I will gladly tell you what it hath done for me; it hath redeemed me from a vain conversation, and taught me to live soberly in this world. — Interrupted by

Tho. Vic. Fan. *You have broken this Law (meaning the late Act) which is not to hinder you from your Religion, but to hinder you from your Meetings; and you are not to meet.*

W. B. If men, or Laws command one thing, and the Lord requires another, which should I obey. Unto which the Court returned no answer.

H. Chaney. Thomas Burre, *were you at Thomas Burdocks House?*

T. B. Yes.

H. C. *What was your end of being there?*

T. B. To answer the end for which I was born into the world, and for which I have my life continued to me unto this day, viz. To worship the Lord in spirit and truth, who ought to be worshipped at all times, and in all places, and for that end we shall meet there or in other places, as we have freedom. —

Interrupted.

Then

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Then *H. Chancy* spake to the Jury, and said, *Gentlemen*, I think the evidence is sufficient, and they themselves confess that they were there; one saith that he was there to worship the Lord: another saith, that he was there to wait upon the Lord, and the other to worship God in spirit and truth, which is in effect all one; and they have been twice convicted already upon record. So he caused the Records to be read to the Jury. The Prisoners would have spoken further to the Jury, but were not permitted, but commanded to be set by, and the Jury commanded to go forth, who quickly returned, agreed upon their verdict, that the foresaid four prisoners were all guilty.

Prisoners. It is little to be condemned by men, when the Lord justifies.

H. C. Look to them Goalers and make room for the other Prisoners.

Then were set to the Bar, *Robert Crook*, *Thomas Crawley*, *Samuel Wollaston*, *Robert Faireman*, *Richard Thomas*, *Francis Haddon*, *William Brown*. Then the several Indictments were read, which for matter and form were the same with the former, except onely that these were met at an house adjoyning to the dwelling house of *Nicholas Lucas*, in the Parish of *All-Saints* in *Hertford*. And *Robert Crook* aforesaid being by himself set to the Bar, *Thomas Burge*, Clerk as aforesaid, asked him, If he were guilty of this Indictment, or not guilty?

R. C. Where was it that I was taken?

Cl. In the house belonging to *N. Lucas*.

R. C. Is not that within the Corporation?

Cl. Yes.

R. C. It was read in the Indictment, that I was a Subject to the King?

Cl. Are you not?

R. C. Yea, I am, and being a Subject, whether I have not a due right to be tryed by the Court of the Corporation wherein I was taken?

Tho. Vic. Fan. You were committed to the County Goale, and so you ought to be tryed by us, or words to that effect.

Cl. You are to plead guilty or not guilty now, and may be heard concerning that afterward.

not

R. C. I

R. C. I am ignorant of your Laws, and do not know my time or place for that.

Cl. Are you guilty, or not guilty? you must plead.

R. C. I have no guilt upon me, as for what I am accused and apprehended.

Cl. Set Thomas Crawley to the Bar, Are you guilty, or not guilty?

T. C. Not guilty.

Cl. Set Samuel Wolleston to the Bar, Are you guilty of those Crimes whereof you stand indicted, or not guilty?

S. W. Not guilty.

Cl. Set Robert Faireman to the Bar, Are you guilty of the Crimes whereof you here sit and indicted, or not guilty?

R. F. I am not guilty of the breach of any just Law.

Cl. Set R. Thomas, and Fr. Haddon to the Bar, You stand here indicted for being at an unlawful Assembly, in a house adjoining to the dwelling house of Nicholas Lucas, with several other Malefactors: What say you, are you guilty, or not guilty?

R. chard Thomas, This pretended offence was committed within the Borough of Hertford, which Corporation hath power, by vertue of their Charter to try any matter of Fact within it self (Treason and Felony excepted :) and therefore I conceive, that I ought to be tryed at the Corporation Sessions, not at this Court, for by the Magistrates of this Corporation we were committed, & some of us are Members of it, and therefore by them ought to be tryed.

H. C. I must tell you, That the Justices of the Corporation have turned you over to us, and it is according to the Act that we should try you; therefore you must plead guilty, or not guilty?

R. T. I think not so, for the Act saith of such pretended offences, that they are to be tryed within the Limits, Liberty, or Division wherein they were committed.

Tho Vic. Fan. You must plead to this Court, for there have some of this Corporation been tryed in the like case, before the Lord Chief Justice Bridgeman (one of the gravest, and most learned Judges that ever sat upon this Bench) at the last Assizes here, they coming first, which is according to the Act.

R. T. That might be done there, for that Court sate by a Commission of Oyer and Terminer, and in some sense comprehended

headed the Corporation, but you are the ordinary Quarter Sessions, and have no such special Commission, — Interrupted.

Tho. Vic. Fan. *We have a special Commission, and have power to try you here.*

R. T. We were committed twice for that you call the first and second offence, by the Magistrates of the Corporation to their Prison, and for the third offence by some of the same Magistrates were sent to the County Goal, who are no Justices of the Peace for the County, (meaning the Mayor, and Robert Deane.) And further I would ask this question, Whether if the Corporation Sessions had come first, should such as had been taken in the County, and committed to the County Prison been brought from thence and tryed by the Corporation Sessions? One of the Justices upon the Bench J. K. stood up and answered *Yes*, by which it appears, that the young man hath more authority then knowledge of the Laws and Customs of the Corporation, although he be a Member of Parliament, as one of the Burgeses for that Corporation.

T. Vic. Fanth. *You shall not be permitted thus to stand pleading here, to over-rule the Court.*

R. T. It is not like that I shall over-rule the Court, but the Court may over-rule me, although by Law they cannot.

Cl. *You must answer, whether you are guilty, or not guilty?*

R. T. Not guilty, according to manner and form of the indictment.

Cl. Francis Haddon, *what say you, are you guilty, or not guilty?*

F. H. Inasmuch as I had no evil intent in meeting, I am, not guilty.

Cl. William Brown *what say you, are you guilty or not guilty?*

W. B. I am not guilty of evil doing.

Proclamation being then made, That if any person had any thing to inform against the Prisoners at the Bar, they should come into the Court, and they should be heard.

Then the Clerk being about to swear the Jury, and John Taylor, Foreman thereof, aforesaid, Richard Hemmings, one of the Prisoners at the Bar, called to the Court, saying, *He claimed his privilege*

viledge by Law, viz. To challenge such of the Jury as he thought meet before they were sworn, saying,

R. T. I except against the foreman, called, Captain Taylor, and desire he might not be sworn.

H. C. What is the reason you except against him? you must shew some cause why you challenge him, or else it shall not be allowed you?

R. T. I think I need not give any reason why, conceiving it my privilege to challenge more then one, without shewing any cause; but however I have something against him, He is a Military man, and hath been active in that party, against which I have been charged, to be engaged in opposition; and that therefore I may expect to have no justice from him; and also that he was one of that Jury that had already brought in four of my innocent Friends guilty, with some other reason; but he being a person chosen on purpose for that work, it would not be admitted he should be put by.

A. C. You must shew greater reasons yet for your challenge, or else it will not be admitted.

Tho. Fansh. This person hath been a very loyal Subject to his Majesty, and done him very good service; and therefore it should not be suffered, that so worthy a person should be so much dishonoured, as to be laid by, unless greater cause could be shewed; as that he was a perjured person, or one convicted, &c. So that unless you have any weightier exceptions the Court will over-rule you.

R. T. The Court may over-rule me in this thing, as they have already over-ruled me in a greater matter, as not to let me have my right, as a Member of this Corporation; but by Law I am sure you cannot do it.——Interrupted.

The said Tho. Fansh. You were committed to the County Gaole, and by Law we are to try you; Swear the Jury. Then the Jury was sworn, and the Witnesses called and sworn, viz. Edward Lawrence, Edward Tufnail, Robert Stoddar, Robert Tyte, John Lavender, who gave in evidence to this effect. That the Prisoners at the Bar were taken at such a time and place, met together, above the number of five; but they said they heard them speak no words, nor do any thing but sit still: and to this they all agreed.

H. Chancy. Was there forms in this house belonging to N. Lucas where they were met?

Edw. Laurence. Yes, there were forms.

H. Chancy. Is it their usual Meeting-Place?

Witnesses. Yes.

H. Chancy. You bear what the Witnesses say (speaking to the Prisoners) were you not at N. Lucas's house?

R. Crook. I have met at this house often, and have been there in the fear of God (and in obedience to him) in which I stand before you, and in which I am preserved here: and although I might be aware of what ye were minded to do, if my life and liberty lay at stake, I could not but in obedience to God meet there: But if any can say that I was there under colour and pretence of Religion, or to meet with Malefactors to disturb the Peace, or do any evil, let them appear, and bear witness of it, and let matter of Fact be proved against us. The Witnesses prove nothing against us, but that we were met together, which is not the Crime exprest in that Law, on which our Indictment is grounded: Did we do any evil there?

Tho. Vic. Fan. That is not the thing, what you did there; the thing is meeting.

R. Thomas. I think not, for the Act hath relation to the end of Meeting.

Prisoners. If our Meetings are not seditious, they are not contrary to the Act.

H. Chancy. I must tell you all such Meetings are seditious.

Prisoners. Our Meetings are not seditious, neither have they been so proved.

H. Chancy. Have you any thing else to say?

Pris. We are innocent.

Henry Chancy. You were found met together above five in number.

Pris. Many meet together upon many occasions, above such a number: that is not the breach of the Law, to meet onely, except some evil be done, or contrived at the Meeting.

H. Chancy. What did you do at the Meeting?

Pris. Wait upon the Lord, to be refreshed by him, and for no evil design; neither can evil be proved against us.

Tho. Vic. Fanth. Do you think that the Law makers could expect that any should be able to prove what you did at your Meetings, except you

*you should have a false Brother amongst you (which I believe you have not; * For I must needs say, that you are true to one another: but this is the notorious evidence of the Act, that ye were met together above five at that house.*

R. T. I think that is not the notorious evidence of the Act, meerly to be met together, unless something were acted, or done, which the scope of the Law provides against; and therefore the preamble of the Act, which was a key or inlet into the intent and meaning of the Law makers, saith, ** For providing therefore of further and more speedy remedies against the growing and dangerous practices of seditious Sectaries, and other disloyal persons, who under pretence of tender Consciences, do at their Meetings contrive Insurrections, as late experience hath shewed.* And now if any thing of this can be laid to our charge, let our Accusers appear: and further, let Witnesses prove that we at our Meeting were practising something contrary to the Liturgy of the Church of Eng^d, or else we cannot be found guilty, according to the Act. And I think thy self (meaning *Th^o. Vicount Fanshawe* afore said) shouldst understand the intent of the Act, in regard thou wert one of the principal promoters of it in the House of Commons.

Tho. Vic. Fansh. *That's more then you know.*

R. T. It's credibly so reported.

Tho. Vic. Fansh. *Come, to the point, you have met there at other times for Religious Exercise, and therefore for that end you met there ther.*

R. T. That doth not follow, you sometimes meet at the Bell in Hertford, to proportion Assessments; do you alwayes therefore meet there for that end?

Tho. Vic. Fansh. *When we meet at Church (which you call the Steeple-House) we alwayes meet to worship God.*

R. T. Not alwayes so, for sometimes there are Visitations kept there, &c. But however, I am upon my tryal, and the matter of Fact done there, should be proved by Witnesses against me, and not supposed and imagined. — Then interrupted,

H. Chancy. *See him by.*

R. T. Jury-men, the Indictment should be grounded upon the late Act, and the matter of fact should be proved against us, or else you ought to acquit us, for you are Judges of Law, and

Fact. — Interrupted again, and Henry Chancy said, *They are of Fact, but not of Law.*

F. T. Yes, they are of Law as well as of Fact, and that may be proved. *
 * 1 part Cooks Inst. Sect. 366. fol. 226, 227, 228.

R. T. Jury men, all that hath been proved against us is, that we were met together above the number of five. — Interrupted again, and Henry Chancy spake to the Jury.

H. Chancy. *The wise, judicious, and worthy Judge Bridgeman was of this opinion, That if any person shall meet with others, above five in number, at such Houses which are their common houses of meeting, and can give no good account what they did there, that is a presumption in Law, and not onely a presumption, but a violent presumption; and they say they meet in the fear of the Lord, to worship him in spirit. This they confess. Then were the Records commanded to be read, to prove the first and second Convictions: and he told the Jury That if they did believe the Witnesses, that they were met together, they must finde them guilty.*

The Prisoners would have spoken further to the Jury, but were not suffered, onely some few words were spoken by Rich. Thomas, as they were going out of the Court; as to warn them of being over-awed by the fear of men, but judge righteously, as they would answer it to the Lord; and that the matter was very weighty, and of great concernment; and if but one of them would stand out in opposition to the rest, they could not find the Bill against us: for there were some in the Court that thirsted after our Blood; but they could not drink it, except you of the Jury give it them. But the Jury was hastned away, who in as much hast returned in the space of a quarter of an hour.

Cl. *Set them all to the Bar, and set Robert Crook, Thomas Gravelly, Samuel Wollaston, Robert Paiman, Richard Thomas, Francis Haddon, and William Brown to the Bar, which was done.*

Cl. *Gentlemen of the Jury, are you agreed of your verdict?*

Jury. Yes.

Cl. *Who shall speak for you?*

Jury. Our Foreman.

Cl. Is Robert Crook guilty of this unlawful Assembly, or not guilty?

Jury. Yes, he is guilty, and so they answered concerning all the other six above named.

Cl. Look to them Goaler.

Pr. Well, we are justified in the sight of the Lord, and we believe you will not be found clear, nor justified in the sight of God nor men, for this dayes work.

Then the Court adjourned till three in the afternoon, and about four they met again: and Proclamation being made, the Goaler was commanded to bring seven more of the Quakers Indicted as aforesaid to the Bar.

The Goalers bringing them to the Bar, they were called as followeth, first *Michael Day*, whose Indictment being read, agreeing much with the former, save onely as to place of Meeting (being in the Parish of *Great Amwell* in the Liberty of *Ware*, in an house adjoyning to the out-houses of *Robert Daisfor*.) It was asked of him, *Whether he was guilty of the Indictment, or not guilty?*

M. D. Answered, Not guilty.

Then *John Thurgood* was set to the Bar, and his Indictment also read in form as aforesaid; and being asked *whether guilty, or not not guilty?* answered,

J. T. I am not guilty.

After him, the rest of the number of Prisoners called for, were set to the Bar successively, viz. *John Presbon*, *John Reynolds*, *John Wicham*, *William Adams*, *Robert Hart*: Their Indictments read, and their answers returned in the negative, *Not guilty*, as aforesaid; Onely this was added by some of them, That they were not guilty of those Crimes expressed in their Indictments, but were innocent peaceable men, and had transgressed no righteous Law.

Then was a second Jury empanelled; whose names are as followeth, *Edmond Hassel*, *Benjamin Jones*, *Edward Backe*, *Johns Hunsdon*, *John How*, *John Flowre*, *John Hall*, *Thomas Jermin*, *Broughten*, *John Ford*, *Thomas Jordan*, *Charles Nonds*; and *Henry Chaney* stood up and spake to the Prisoners as followeth, and told them the Court had a minde to shew them favour, and that favour was this, If they would promise to meet no more together.

ther, above the number of five, the Court would discharge them; what say you, have you any minde to accept of this favour of the Court?

John Preston. We have no minde to purchase the favour of the Court with such promises; our Meetings are peaceable and lawfull, and our Consciences are tender towards God, and we can promise no such thing, to gain more then our liberty.

Hen. Chancy. Then swear the Jury.

The Jury being sworn and charged (as before) well and truly to try betwixt the King and the Prisoners at the Bar, and true deliverance make; and to bring in their verdict, according to evidence. The Witnesses were called and sworn, whose evidence reached thus far (and no further) *That they were taken at such a time and place, met together, above the number of five; but that they heard them speak no word; nor saw nothing, but that they sat together in silence.*

Then the Prisoners called upon the Jury, to take notice, that no matter of fact was witnessed against them by those Witnesses: but the Jury seemed to give more heed to the minde of the Court, and what they would have them to do, then either to the Prisoners, or Witnesses.

H. C. There are two Records against the Prisoners already, for two former offences (which were read) and as for this third offence, of which they stand indicted, the evidence is sufficient.

His Memorandums (or Breviates) were also read, viz. what the Witnesses had said, and what the Prisoners had confessed, *That they were met there in the fear of the Lord, to worship him in spirit and truth; and withal he told them, that if they did believe they were met, they must finde them guilty:* And though all this while no matter of Fact was by the Witnesses proved, nor by the Prisoners confessed; but onely meeting above five; in obedience to God, to wait vpon, and worship him in spirit and truth. The Jury was commanded to go forth, who did so, and quickly returned, agreed upon their verdict, that they were all guilty.

Court. Look to them Gales.

Then *Henry Sweeting, Henry Stout, and Jeremiah Dean*, were brought to the Bar, and their Indictments read, which agreed in form; and being required to plead guilty, or not guilty: some of them insisted upon their liberty and privilege, as freemen

of the Borough of Hertford; and *Henry Stant* alledged, That they ought to be tryed by the Mayor, and other Magistrates of the Corporation, according to their Charter, and their Oaths.

H. C. *The Court hath a particular kindness for you, if you will accept of it (viz.) * If you will engage to come at no such tumultuous Meetings any more, but only stay at home with your own Families, you may be discharged, and see it liberty.* To H. Sweet,

Hen. Sweeting; If I were sure, that my life were to answer for the thing, I could rather offer up my life, as a sacrifice, then to engage to any such thing. And the other answered in like manner, that their Meetings being no unlawful Assemblies, nor seditious Conventicles, and that they neither acted nor contrived any thing of evil against the King, or any other person: If they suffered it was for their Consciences towards God, and for worshipping of him.

Tho. Vic. Fan. *I wou'd not have you cheat your selves, it is not for Worship, for Conscience, or Religion, that you suffer; but the matter of Fact is for Meeting; the evil is to meet together, above the number of five.*

H. C. Said also something to the same effect, quoting Judge *Bridgman* his opinion therein, and his practice as a president the last Assizes, and a sufficient warrant for their proceedings,

Then the Jury was called, sworn, and charged, in the usual form, as is before expressed (being the same that brought in the former seven guilty) the Witnesses also were called and sworn, whose testimony agreed in this onely, *That they were taken at such times, and places, met together, above the number of five.*

H. Ch. *What say you, what did you meet there for?*

Prisoners We met there in the fear of God, for no evil end, but to worship him in spirit and truth, and not under colour and pretence.

This answer *H. Chancy* noted down, together with the depositions of the Witnesses, and then spake to the Jury, saying,

H. Ch. *We have two records against the Prisoners at the Bar already (which were read) and they are sufficient for the first and second offences: and as concerning the third offence, you hear what the Witnesses*

they say, That they were at such a house, met together, above five: And they acknowledge and confess, that they met there in the fear of God, to worship, &c. I think the evidence is sufficient, go forth.

But before they went forth *H. Stont* was called again to the Bar (who stood for a tryal by the Corporation) and his Indictment was read, and it was said to him as to the rest, *You stand Indicted, &c. Are you guilty, or not guilty?*

H. S. I conceive I am not to answer at this Court, for any pretended offence, which is done within the Corporation; but am accountable to that Court, within whose jurisdiction I live.

Court. You must be tryed here, and cannot be tryed elsewhere.

H. S. If I should plead here, then should I make a breach of the privilege of the Corporation, which the Free-men and Magistrates of the Corporation are sworn to maintain; and I being a Free-man, and an Inhabitant of this Corporation, it is my just right and privilege to be tryed by the Corporation and neighbourhood that knows me.

Tho. Vic. Fan. *Harry Stont will you plead?*

H. S. I do not deny pleading, so I may plead where I ought to plead.

H. Ch. You ought to plead here, I will give it so for Law.

H. S. The Law saith, It shall not be lawful for any Justices of the County to intermeddle in a Town Corporate, where there is a Justice of the same. And further the Law saith, We will grant to all Cities and Towns Corporate, that they shall have their liberties and free Customs.

Clerk. Will you plead or not, if not you must be taken pro confesso.

H. S. I am willing to plead, provided I may not be debarred of that which is my right, that is, that I may be tryed by the Corporation.

Cl. The Corporation hath turned you over to us, and you must be tryed here.

H. S. I desire the Court would be pleased to satisfy me, By what power the Mayor committed me to the County Prison, seeing by his Charter he hath no such power, and without his Charter he is no more then one of us, or another man.

To this they returned no answer, but bid the Clerk read the

Indictment, which he did, and then it was demanded of him;
Whether he was guilty, or not guilty?

H. S. If the Court would be pleased to satisfy me in this one thing; I know not but that I may plead, that is, *By what power the Mayor committed me to the County Gaole*, or where he had it, seeing the Charter doth not give him it: for the Mayor hath the same power in the Corporation, to try all things that are to be enquired of; as the Justices in the County; for the Corporation hath power by their Charter to try all persons, Trespasses, and all offences whatsoever, except Treason, Murder, or Felony, or the taking away of Life or Limb; so he hath no power to commit to the County Prison in this case, but to his own prison, which is allowed by the Charter. If the Court please I will read the Copy of the Charter: so they bad him read it; and as he began to read, they asked him if it were in Latine, he said no; then they would not let him read it.

C. Court. Will you plead or not? if not, sentence will be passed upon you as mute, and you will lose the privilege of a Jury.

H. S. I desire the Court would give me an understanding of the Act; for as I understand it, I do not conceive it doth at all concern us; for by it, Meetings are allowed, so they are not above such a number; and certainly a number cannot be hurtful of itself, provided the intent be not evil: So I conceive the Act is against such as do intend evil at their Meetings, as to plot and contrive against the Government: we are no such, but our intent is really to worship God, and nothing else.

C. Cl. That's your mistake; The Act is made against all Meetings, under pretence of Religion, of above five persons in number.

H. S. It would be an absurd thing to think that the Act is against worshipping God; so understanding of it, it would violate the Kings promises, which in three Declarations (that are publick to the world) say, *That no man should be disturbed in matter of Conscience, provided they lived peaceably*: And I dare presume to say, That if the King were asked, whether any breach should be made of his promises, he would say no, not for abundance. For in his Speech to the Parliament, he saith, *No man shall have power to charge us with the breach of our promises*; so that the Act

of the Statute of the 13th of Charles II. can-

cannot be so understood; but as it self sayes, against such as shall at their Meetings contrive insurrections.

Court: We do not deny you your Religion, but you may meet, so you meet not above the number of five, that you may not have any opportunity to contrive insurrections.

H. S. Some have had a suspicion of us, but God knows we have no such design; but our design is to promote righteousness and holiness, and to reprove evil where ever we see it: (although it be in the great ones of the world; and that we may live a godly life, in all honesty; and this is our design.

Court: We permit you to plead, and you make a speech; will you plead to your Indictment?

H. S. I do not deny pleading, neither do I condemn the Court; but do expect my priviledge, to be tryed by the Corporation; and if it be not granted me, I do take it as a great injustice done unto me.

Court: If you will not plead you shall be recorded; and sentenced as a male.

H. S. I do not deny pleading.

Court: Record him.

H. S. I thank God you have nothing of evil against me (now nor formerly) to condemn me for; but it is purely for Conscience sake, for worshipping God. One of the Jury, as he stood at the Bar told him, that if he did plead they should find him guilty. So it seems it was determined beforehand what to do; and that all their shew of a legal Tryal was but under colour and pretence, having fore-judged them, and before hand concluded to condemn them.

So the Jury went forth; and about the space of a quarter of an hour, returned agreed upon their verdict. And being asked, if they were agreed answered, Yes; and who should speak for them, answered, their Fore-man: who being asked if Henry Stone were guilty of the Crimes he stood indicted of, or not guilty, he answered, guilty; and so of all the rest.

Court: Look to them Gentles.

Then was Henry Stone set again to the Bar, and his Indictment read the third time; and he still desiring to be tryed by the Court, that ought to try him, viz. The Court of the Corporation.

The Clerk

Clerk recorded him again for a Mute the third time. This done the Goaler was commanded to fetch the rest of the Prisoners to the Bar, being one and twenty persons, which also was done; and proclamation being made, that all persons should keep silence while Judgement was given. The Prisoners were called over severally (one after another) to whom *Henry Chancy* directed his speech particularly as followeth, *viz. What say you Lewis Laundry, why judgement of transportation should not be passed upon you?*

L. L. I am innocent in this matter, and have not transgressed this Law, for our Meetings are not contrary to the Liturgy, but your practice is contrary to it; for that sayes, *Cursed is he that parteth man and wife*, which thing you are doing this day; and assuredly the Lord will reward you according to your deeds. Then *Henry Chancy* being about to pass sentence, *Richard Thomas* called to the Court, and said, hold, there is something to be said first before the Sentence is passed: whereupon *Henry Chancy* said, *Richard Thomas, what have you to say why judgement of transportation should not be passed upon you.*

R. T. I have much to say. First, nothing hath been proved against me, as-matter of Fact, which should deserve such Sentence. And again, I ought to have been tryed by the Corporation for the pretended offence; and therefore there ought to be an arrest of Judgement.

H. Chancy. As to that you have had a fair tryal, and the Court doth over-rule you in that thing, and you have been answered. Then *John Reynolds* was asked what he had to say, why sentence should not be passed upon him. And *Tho. Vic. Fansh.* stood up and said, He had done very much for him at the Assizes. To which *J. R.* answered, That the light in his Conscience would convince him of the evil he had done to him; whereupon *Tho. Vic. Fansh.* retorted in a rage, *That the light you hold is one thing to day, and another thing to morrow.* Before sentence, several others of the Prisoners said, *They were innocent, and had not deserved any such sentence.* But *H. C.* said, *Your plea of innocency will not now avail you. The fury hath found you guilty; therefore you must hearken to your Sentence.* So the Prisoners were set to the Bar, and sentence was pronounced by him as followeth, *Richard Thomas, John Bresbon, Robert Fairman, William Brown, Francis Haddon, Samuel Wolla^{or}.*

Thomas Cravley, John Reynolds, John Witham, Robert Crook. It is awarded, and the Court doth award, That you, and every of you shall be transported beyond the Seas, to the Island of Barbadoes, being one of

*his Majesties Plantations, there to remain seven years. Then * Sentence was also pronounced upon the rest thus, viz. Lewis Laundry, Williams Burre, Thomas Burre, Thomas Mofi, Michael Day, Robert Hart, William Adams, John Throughgood, Henry Sweeting, Jeremiah Dean, Henry Stout. It is awarded, and the Court doth award, that you, and*

every of you shall be transported beyond the Seas, to the Island of Jamaica, one of his Majesties Plantations, Forreign, there to remain seven years. But before the Prisoners went from the Bar, divers of them expressed themselves to this purpose, viz. Richard Thomas said, The Lord justifies though you condemn and sentence us. And be it known unto you, that I account it great honour, and much mercy from the Lord that I have been preserved unto this time, to bear a testimony for Gods eternal truth, against such a generation of men as you are: And as Sentence was pronouncing, Lewis Laundry (one of the Prisoners directed these words to Henry Chancy, Alas for thee poor Chancy, (observing a great change in his speech and countenance) it had been well for thee if thou hadst not done this dayes work, &c.

After a little space the said Henry Chancy recovering himself, spake to the Prisoners as followeth, viz. If you, or every of you will pay one hundred pound into the Court, you may be discharged from this sentence, and the Court shall not be discharged till the morning.

It was now after the 9th. hour at night, and the Court adjourned till eight the next morning, the Prisoners being remanded back to Prison.

On the morrow about the 7th. hour the Court met again (being the third day of the Session) and the Goaler being ordered to bring the forenamed twenty one persons, or whom sentence was passed: they were brought accordingly, and set to the Bar, and called over,

Court

Court. Then the Court demanded of every several person respectively, whether they would pay down their several hundred pounds to redeem them from the sentence of transportation that was passed upon them.

Pris. To which they returned their several answers, some whereof are as followeth.

Lewis Laundry. It is for the testimony of my Conscience towards God, that I am sentenced, and if I had an hundred lives, and could redeem them all with an hundred pence, I should not give them in this case.

Rich. Thomas. Be it known unto you, that the service we are called unto, is more honourable then to be purchased off, with money; and therefore if the tenth part of a farthing would do it, I should not give it you: and further he also said, the Religion we profess, we are neither afraid, nor ashamed to suffer for; it is the Truth, and shall stand over the heads of all such transgressing wretches as you are.

Tho Moss. I am in the service of God, and I do not intend to hire my self out of it; but you had more need to hire your selves out of the service that you are in

R. Crook. Whether shall I be free, if I should pay an hundred pounds.

Court. Yes.

R. C. Then I may go meet again with those you call Malefactors, to the disturbing of the Kings Peace.

Court. *Yes, saying an hundred pound he might, for the Law said so. Will you pay an hundred pound that you may not be transported.*

R. C. No, I have not so much money to spare.

Others *H. S. R. F. T. B.* said they were satisfied in their hearts and consciences, that they had done no evil, and therefore could not consent to give one farthing, or words to that effect: and *Henry Stout* (being included in their unjust sentence, notwithstanding his just Plea to the contrary) delivered himself in these words; Before I give an answer to your demand, I do expect a legal Tryal; and further desiring to be heard to speak a few more words, said, I remember I heard some upon the Bench speak very contemptuously of the Light. *Now they that despise the light despise Christ*, for the light is Christ, and was

was made manifest, to destroy the deeds of darkness; and to condemn sin in all its appearances; for he, that is of God walks in the light, as God is light; whereupon they cryed, *That is true, that is true*, but would not endure to hear any further of that truth, but cryed *Take him away, take him away*; and so he had liberty to speak no more.

Friend, whoever thou art that readest the precedent passages, mayest observe, That though *Henry Chancy* (the Judge of this Court of pretended Justice) did oftentimes urge the Prisoners to confess what they met for, and what they did at their Meetings; yet when some of them did confess that they met upon no other account, but to worship God, and to wait upon God in the Spirit: when he came to speak to the Jury, he made that confession to be the chief ground for the Jury to proceed, to finde the Bills; whereupon they are sentenced; notwithstanding one that was chief among them said (more then once) that they had their Religion free, and they meddled not with Worship; Conscience, and Religion; so that any people that have any Religion in true simplicity (be it of what form it will) that have not sold all honesty in that profession (on purpose to please and serve the present times) may see that the main ground of this grand persecution is *for worshipping God in Spirit*: and as it is said that one of the eminentest among them that sit in the seat of Cruelty and Violence in this day, hath said, that this Act was made against worshipping God in spirit: and if ever any person in this Nation read or heard of any people or nation, that hath so directly in plain words and open deeds manifested such defiance and opposition to the worshipping of God in spirit and truth; notwithstanding the Scripture speaketh expressly, *That God is a spirit, and will be worshipped in spirit and truth*, and that these men do own the Scriptures in word) let him come forth and endeavour to justify this generation of Men. And further observe, that nothing is here punctually proved (as to the breach of the late Act) but onely meeting above the number of five, which (without the proof of Sedition, or breach of the Peace) can be no violation of the Act: so that people may see the unjust proceeding of these *unrighteous Judges*, who pretend Law for their rule, in this matter, but practice none of it, as was clearly observed by them that

that were spectators ; for no clear evidence they had for what they did : the Witnesses deposing onely their meeting together, but nothing that they spake or did ; and this was the great pretended Crime they sentenced them for.

O generation of Vipers, do you think to escape the damnation of Hell for your illegal proceedings ? who are not content to do wickedly your selves, but either fright or flatter others to do the same. (As one of the Jury said at the Bar, besides what others were over-heard to say in a threatening way) what numbers were warned to attend your wicked service, that you might have your choice of fit instruments to do your abominable work. O height of impudence and hard-heartedness, that you should dare do such things, and yet before the people, cover your wickedness with smooth words, saying, we do not deny you your Religion, and yet condemn them for it. God takes notice of these things, and if such great woes were pronounced against such as did not fit, when he was in prison, and did not feed him when he was an hungry, and cloath him when he was naked, what will be their portion, who when he was at liberty cast him into prison ? and when he had food took it away from him ? and when he had cloaths stript him naked : *Inasmuch, saith Christ, as ye do it unto the least of them that fear my name, ye do it unto me.* But it was the portion of the people of God in dayes past to be so dealt withall by an hard hearted generation, as may be seen, Mat. 10. 17, 18, 19. *But beware of men, for they will deliver you up to counsell, and ye shall be brought before Governours and Rulers for my name sake, for a testimony against them, &c.*

The End.